

REMARKS

Claims 1-8, 10, 12, 13, 22, and 25-29 are pending

Claims 1-3, 8, 10, 12, 13, 22, 25 and 27 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Mehaffy et al. (EP 0934990A1) and claims 4, 5, 26, 28 and 29 are rejected under 35 U.S.C. § 102 (b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103 (a) as being obvious over Mehaffy et al. (EP 0934990A1)

Mehaffy does not disclose or exemplify an adhesive applied at a temperature of below 250°F which has a bonded heat stress value that is separated from the application temperature by not more than 100°F, as required in applicants' claim 1, let alone an adhesive that is applied at a temperature of about 200°F, as required in applicants' claim 2, or an adhesive that is applied at or below 200, as required in applicants' claim 3.

Mehaffy's Table I report heat stress values of adhesives applied at 250°F. The adhesives reported in Table I have heat stress values vary from 115-125°F when the adhesive is applied at 250°F. While the examiner has acknowledged that the difference in the application temperature and the heat stress reported in Table I is more than that claimed by applicants, the examiner urges that such adhesives are disclosed by Mehaffy as being able to be applied at temperatures down to 200°F.

Applicants disagree with the examiner's assertion that if the adhesives reported in Table I were applied at 200°F that the difference in the application temperature and the heat stress would be less than 100°F. It is well known in the art that the heat stress values are dependent upon the application temperature. Although Mehaffy's exemplified adhesive has a heat stress value of

115°F when applied at 250°F, a skilled artisan would recognize that the heat stress value would differ when the same adhesive is applied at temperature below 250°F, or applied at a temperature of about 200°F, or applied at a temperature at or below 200°F. A skilled artisan understands that as the application temperature of an adhesive decreases, the heat stress value also decreases. Hence, the difference between the heat stress value and the adhesive application temperature would be greater than that reported by Mehauffy's adhesives are applied at temperature lower than 250°F.

In contrast to Mehauffy's adhesives, applicants' have shown that adhesives can be formulated that can maintain a temperature separation of 100°F or less between the application temperature and the adhesive heat stress value. The Examiner's position that Mehauffy discloses the *same adhesive composition* as the instant application and thus will have the same heat stress value is without merit. Mehauffy does not disclose or suggest a hot melt adhesive that can be applied at a temperature of less than 250°F, has a viscosity between about 800 cps and 1500 cps at the adhesive application temperature, whose bonded adhesive heat stress value and adhesive application temperature separated by 100°F, is thermally stable at the application temperature for a period of one hundred hours - as indicated by a viscosity change within plus/minus ten percent of the original application viscosity, as required by applicants' claims 5, 26 and 27, or a hot melt adhesive that, when analyzed by differential scanning calorimeter from application temperature to room temperature at a cooling rate of 150°C/min, yields a time between initial cooling and crystallization of 0.35 minutes or greater, as required in applicants' claim 4.

Withdrawal of the Section 102 and Section 103 rejections of the claims over the Mehauffy

reference is requested.

Claims 6 and 7 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mehaffy et al. in view of Baetzold et al. (U.S. 5,827,913). Baetzold is directed to encapsulating an ingredient in a hot melt adhesive composition. Baetzold teaches that the encapsulated ingredient may be any known hot melt adhesive formulation ingredient or additive such as antioxidants and fragrances (abstract). The disclosure of Baetzold adds nothing to the disclosure of Mehaffy which would motivate the skilled artisan to formulate an adhesive that can be applied at a temperature below 250°F and which are able to withstand stress at temperatures substantially closer to the temperature of the adhesive's application temperature than heretofore achieved in the art, i.e., the bonded adhesive heat stress value and the adhesive application temperature are separated by 100°F or less.

Withdrawal of the Section 103 rejection of claims 6 and 7 based on Mehaffy in view of Baetzold is requested.

Applicant disagrees with the examiner's argument that "one reading the reference as a whole would realize that Mehaffy is not limited due to the content of these paragraphs" and that Mehaffy does "not disclose applying the adhesive at 250°F for the exemplary heat stress test . . . [but that this] the application temperature used to test peel and shear strength and cloud point, which required elevated temperature application. While Mehaffy's paragraphs 0008 and 0033 recite hot melt adhesives that may be "applied at temperatures between 200° to 300°F," the skilled artisan, from the reported heat stress value of the 250°F applied adhesive of 115°F - 125°, would recognize if the adhesive was applied at temperature below 250°F, or applied at a

temperature of about 200°F, or applied at a temperature at or below 200°F, the heat stress value would also decrease. Hence, the difference between the heat stress value and the adhesive application temperature would be greater than that reported.

Withdrawal of the rejections of record and notification of alliance is requested.

Respectfully submitted,

/Cynthia L. Foulke/

Cynthia L. Foulke
Reg. No. 32,364

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National Starch and Chemical Company
P. O. Box 6500
Bridgewater, New Jersey 08807-0500
Telephone No.: 908-685-7483